

REMARKS

Claims 1 to 96 were pending in the application at the time of examination. Claims 1 to 3, 25 to 27, 49 to 51, and 73 to 75 stand rejected as anticipated. Claims 4 to 24, 28 to 48, 52 to 72 and 76 to 96 stand rejected as obvious.

Claims 16, 20, 44, 68, 92 are amended to correct an antecedent basis informality.

Claims 25, 49, 73 are amended to correct a spelling error. Claim 15 is moved into Claim 1 and Claim 15 is cancelled. Claim 39 is moved into Claim 25 and Claim 39 is cancelled. Claim 63 is moved into Claim 49 and Claim 63 is cancelled. Claim 87 is moved into Claim 73 and Claim 87 is cancelled.

Claims 1 to 3, 25 to 27, 49 to 51 and 73 to 75 stand rejected under 35 U.S.C. § 102(e) as being disclosed by U.S. Patent No. 6,970,891, hereinafter referred to as Deo. In view of the amendments to Claims 1, 25, 49 and 73, this rejection is rendered moot, because the combination recited in these claims was rejected as obvious.

Claims 4 to 7, 28 to 31, 52 to 55 and 76 to 79 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,970,891, hereinafter referred to as Deo in view of U.S. Patent No. 6,308,317, hereafter referred to as Wilkinson. In view of the amendments to Claims 1, 25, 49 and 73, this is rejection also is rendered moot, because the combination recited in these claims was rejected as obvious in view of a combination of three references.

Thus, in view of the amendments, Claims 1 to 14, 16 to 38, 40 to 62, and 64 to 86, and 88 to 96 are taken as rejected under 35 U.S.C. § 103(e) as being unpatentable over U.S. Patent No. 6,970,891, hereinafter referred to as Deo in view of U.S. Patent No. 6,308,317, hereinafter referred to as Wilkinson, and further in view of U.S. Patent No. 6,910,041 hereinafter referred to as Exton.

Applicants respectfully note that the rejection cited U.S. Patent No. 6,839,843 as being Deo et al. This is incorrect because U.S. Patent No. 6,839,843 is to Bacha et al. Applicants have interpreted this error as a typographical error.

As an example with respect to Claim 15, the rejection stated:

Regarding claim 15, 39, 63 and 87, Deo, discloses the card device of claim 1 wherein said capabilities list and said application program constitute a load package received by said card device (0028). (Underline Emphasis in Original)

Paper dated 09/03/2008, page 10.

Applicants first note that while the rejection is supposedly based upon three references, only one reference Deo is cited in the rejection. Moreover, the rejection appears to refer to paragraph numbers, but Deo does not contain paragraph numbers. Accordingly, Applicants cannot determine the basis of the rejection.

Applicants have electronically searched Deo on the USPTO web site for "load." The following results were obtained:

. . . as well as nonresident applications 116 that are downloaded for a particular session, to share the same data in volatile memory 106 (assuming the applications are authorized).

Deo, Col. 3, lines 51 to 54.

Downloading a nonresident application fails to teach or suggest anything concerning a load package as recited in these claims.

Applicants also electronically searched Deo for "package," which was not found. Thus, Deo taken as a whole does not teach anything concerning such a package and instead teaches that such a package is unnecessary because the capabilities needed by Deo are inherent in the operating system. The other two

references were not cited in the rejection of these claims. Thus, Deo and/or the combination fails to teach or suggest anything about a load package as recited in Claims 1, 25, 49 and 73.

Also, the rejection equated the ACL of Deo to the capabilities list recited in these claims. Deo explicitly taught "The file system 118 includes an ACL." Thus, according to the rejection, the capabilities list in these claims is taught by Deo as being included in a file system. Fig. 1 of Deo unambiguously shows that file system 118 is included within operating system 118. Accordingly, Deo teaches away from a load package such as that recited in these claims. The rejection has failed to cite any teaching of any package that includes both an application and the ACL of Deo. Therefore, the rejection has failed to render Claims 1, 25, 49 and 73 obvious. The combination of references fails to render each of Claims 1, 25, 49 and 73 obvious for multiple reasons. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 1, 25, 49 and 73.

Claims 2 to 14 and 16 to 24 depend from Claim 1 and so distinguish over the combination of references for at least the same reasons as Claim 1. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 2 to 14 and 16 to 24.

Claims 26 to 38, and 40 to 48 depend from Claim 25 and so distinguish over the combination of references for at least the same reasons as Claim 25. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 26 to 38 and 40 to 48.

Claims 50 to 62 and 64 to 72 depend from Claim 49 and so distinguish over the combination of references for at least the same reasons as Claim 49. Applicants respectfully request

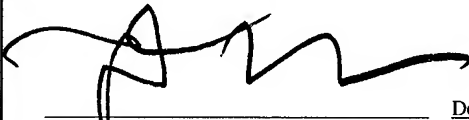
reconsideration and withdrawal of the obviousness rejection of each of Claims 50 to 62 and 64 to 72.

Claims 74 to 86 and 88 to 96 depend from Claim 73 and so distinguish over the combination of references for at least the same reasons as Claim 73. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 74 to 86 and 88 to 96.

Claims 1 to 14, 16 to 38, 40 to 62, and 64 to 86, and 88 to 96 remain in the application. Claims 1, 16, 20, 25, 44, 49, 68, 73, and 92 are amended. Claims 15, 39, 63, and 87 are cancelled. Claims 97 to 100 were canceled previously. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

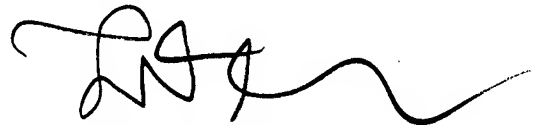
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 2, 2008.



Attorney for Applicant(s)

December 2, 2008
Date of Signature

Respectfully submitted,



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